

HOUSE BILL No. 4255

February 11, 1999, Introduced by Reps. Brater, Hansen, LaForge, Bogardus, Minore, Martinez, Cherry, Tesanovich, Baird, DeHart, Quarles, Gielegem, Hardman, Scott, Hale, Schauer, Prusi and Daniels and referred to the Committee on Employment Relations, Training and Safety.

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "employee communications monitoring act".

3 Sec. 2. As used in this act:

4 (a) "Employee" means an individual who as a volunteer or for
5 compensation provides an employer with his or her labor.

6 (b) "Employer" means a person who employs an individual for
7 compensation or who supervises an individual providing labor as a
8 volunteer.

1 (c) "Monitor" means listening to, reading, or recording a
2 communication between an employee and a person who is not the
3 employer.

4 Sec. 3. An employer shall not monitor the communications of
5 an employee unless the employer establishes a communication moni-
6 toring policy that is in writing, is disclosed to each employee
7 subject to monitoring, and does all of the following:

8 (a) Specifies the methods of monitoring that the employer
9 will exercise.

10 (b) Specifies the communication media that will be subject
11 to monitoring.

12 (c) Specifies the type of communications subject to
13 monitoring.

14 (d) Identifies the frequency at which monitoring will
15 occur.

16 (e) Provides the employee whose communications are monitored
17 with advance written notice of the monitoring.

18 Sec. 4. An employer shall comply with an employee communi-
19 cation monitoring policy that the employer establishes under this
20 act.

21 Sec. 5. An employer who monitors an employee communication
22 in violation of this act is liable to that employee for actual
23 damages or \$5,000.00, whichever is greater, plus reasonable
24 attorney fees.